

Senator Stafford moved to reconsider the vote by which

Substitute House bill No. 99, "An act to take the counties of Smith, Gregg and Upshur out of the Fifth Supreme Judicial District and place the same in the First Supreme Judicial District," was passed.

Reconsidered.

Senator Stafford then moved that the House be requested to return the bill to the Senate.

Carried.

Action recurring to Senate bill No. 84:

By Senator Goss:

Amend Senate bill No. 84: Amend by adding to section 1 the following: "Provided, the person desiring to hire such laborer or tenant shall have the right to call to his aid an investigating committee of three, to ascertain whether or not the landlord has complied with his contract."

Adopted.

Senator Rogers entered a motion to reconsider the vote by which the amendment was adopted.

The bill failed on engrossment by the following vote:

Yeas—2.

Rogers.

Sherrill.

Nays—23.

Agnew.

Goss.

Atlee.

Greer.

Beall.

Lewis.

Boren.

McComb.

Bowser.

McKinney.

Colquitt.

Shelburne.

Crowley.

Simpson.

Darwin.

Smith.

Dean.

Stafford.

Dibrell.

Steele.

Dickson.

Tips.

Gage.

Absent, excused.

Harrison.

Woods.

Absent—not excused.

Bailey.

Presler.

Lawhon.

Whitaker.

The Chair laid before the Senate

Senate bill No. 94, being a bill to be entitled "An act to prescribe the times for holding the terms of the District Court in the Fifty-first Judicial District of the State of Texas."

Bill read second time.

By unanimous consent, Senator Greer offered a joint resolution providing for the call of a State Constitutional Convention.

Read first time and referred to Committee on Constitutional Amendments.

On motion of Senator Simpson, Senate adjourned till 10 o'clock tomorrow morning.

TWENTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas, Feb. 7, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.

Greer.

Atlee.

Harrison.

Bailey.

Lawhon.

Beall.

Lewis.

Boren.

McComb.

Bowser.

McKinney.

Colquitt.

Rogers.

Crowley.

Shelburne.

Darwin.

Sherrill.

Dean.

Simpson.

Dibrell.

Smith.

Dickson.

Steele.

Gage.

Tips.

Goss.

Whitaker.

Absent, excused.

Woods.

Absent, not excused.

Presler.

Stafford.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Steele, the same was suspended.

On motion of Senator Simpson, Senator Lawhon was excused for non-attendance on yesterday on account of sickness.

On motion of Senator Colquitt, 12 m. tomorrow was fixed for the hour for the Senate to go into executive session on the Governor's appointments.

PETITIONS AND MEMORIALS.

By Senator Harrison:

Petition from members of the bar of Bell county, asking that the time for holding court be so changed that said court may not be required to hold its session in July and August.

Read and referred to Committee on Judicial Districts.

By Senator Harrison:

Petition from citizens of Tarrant county, asking that the age of consent be increased to eighteen years.

Read and referred to Judiciary Committee No. 2.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Feb. 7, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, being a bill to be entitled "An act to amend article 4258c, section 9, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, Feb. 7, 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 101, being a bill to be entitled "An act to further define connecting lines of common carriers, their relationship to each other and those dealing with them, or either of them, and to prescribe a rule of evidence as to such relationship and to further prescribe their duties and liabilities,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, February 7, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 99, being a bill to be entitled "An act to authorize persons of this State to enter into contracts with corporations generally known as Building and Loan Associations, which are incorporated under the laws of any State of the United States, other than the State of Texas, with reference to the laws of the State where either of the contracting parties reside or is incorporated, and providing for the construction of such contracts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, February 7, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 105, being a bill to be entitled "An act to prevent officers, agents or employes of railroads or transportation companies from giving free passes or tickets, or selling the same at a discount to members of the Legislature of the State of Texas, or to Railroad Commissioners, State, judicial, county or municipal officers, and to prevent such officers from accepting or using such passes or tickets, to provide penalties, and fix venue therefor,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Acting Chairman.

Committee Room,
Austin, Texas, February 7, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Labor, to whom was referred

Senate bill No. 142, being a bill to be entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers or receivers and employes, and to authorize the creation of a Board of Arbitration, and to provide for compensation of said Board, and to provide penalties for the violation hereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DICKSON, Chairman.

Committee Room,
Austin, Texas, February 7, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 97, being a bill to be entitled "An act to create the county of Alamo out of part of Brazoria county and to provide for its organization,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend by striking out the words "Stephen Richardson," in the last line on first page, and inserting in lieu thereof the words "Shubeal Marsh;" and by striking out all after the word "Thence," in said line, down to and including the word "league," in first line of second page, and inserting in lieu thereof the words "north to the northwest corner of the said Shubeal Marsh league; thence west, following the dividing line between the Shubeal Marsh and the Wm. Parker league."

Also, amend by striking out the word "Alamo," where it occurs in the caption and body of the bill, and inserting in lieu thereof the word "Autrey."

GREER, Chairman.

Committee Room,
Austin, Texas, February 6, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred

House bill No. 147, being a bill to be entitled "An act to amend section 58, chapter 51, of an act entitled an act to create a more efficient road system in the counties of Cherokee, Houston, Anderson, Trinity, Franklin, Delta, Harrison, Panola, Upshur, Shelby and Smith, and auxiliary thereto to provide for the appointment of road overseers, to define the power and jurisdiction of the commissioners courts of said counties with regard thereto; to utilize the labor of defaulting poll tax payers on the public roads of said counties; and to provide adequate penalties for the violation of the provisions of this act, as passed by the Twenty-third Legislature, and

approved April 19, 1893, and to add thereto section 57."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the caption by striking out the words "to add thereto section 57," and insert in lieu thereof the words "declaring an emergency."

Amend section 1 by inserting after the word "that" "section 53 of."

Amend page 2 by striking out the figures "57" and inserting in lieu thereof the figure "2."

STEELE, Chairman.

Committee Room,

Austin, Texas, February 6, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 106, being a bill to be entitled "An act to authorize the formation of corporations to construct and operate union depots and railway terminals, and to empower railway companies to subscribe for and acquire stocks and bonds of such corporations, and to contract for the use of such depots, tracks and facilities,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying committee substitute be adopted in lieu of said Senate bill No. 106, and that said substitute do pass.

McKINNEY, Chairman.

Senate bill No. 106.) (By Bailey.

A bill to be entitled "An act to authorize the formation of corporations to construct and operate union depots and railway terminals, and to empower railway companies to subscribe for and acquire stocks and bonds of such corporations, and to contract for the use of such depots, tracks and facilities.

Be it enacted by the Legislature of the State of Texas:

Section 1. That corporations may be formed in the manner provided by title 20, of the Revised Statutes of this State, relating to private corporations, for the purpose of constructing or acquiring, owning, maintaining and operating a union depot at or within any city of this State, when such union depot may or is intended to be used by or for the convenience of two or more railway companies desiring to run their respective trains thereto; and such corporations when so formed shall have all the powers and be subject to all the restrictions and requirements of this act and of the general laws of this State relating to private corporations, including the power to acquire the necessary grounds and to provide terminal facilities and railway tracks for and to contract for the use thereof with any railroad companies desiring to enter such city or depot with their trains; and for that purpose such union depot companies

shall have power to construct, acquire, own, maintain and operate such local and suburban railway tracks and side tracks or belt lines of road as may be proper or necessary to form a connection with the lines of any railway company or companies desiring to use the same, and to the same extent that such local and suburban railways or belt lines of road may be now constructed by corporations formed for that purpose under the existing laws of this State, relating to private corporations.

Section 2. Any railroad company owning and operating a line of railway extending to such union depot, or which may become connected with the railway tracks of such depot company, shall be and is hereby authorized to subscribe for or acquire stock and bonds of such depot company, and may contract therewith for the privileges and use of such union depot, and for the right to use and enjoy the tracks and terminal facilities of such depot company, and may operate its train thereon; provided, that if any such railway company shall become a subscriber for the stock and bonds of such union depot company, the issuance thereof shall be governed and controlled as far as applicable by the provisions of chapter 50 of the general laws of Texas, 1893.

Section 3. Any railway company having rights of way and depot grounds suitable for the purposes of such union depot and terminal company may contract therewith for the same or any part thereof not actually necessary for the business of such railway company, or the same may, by agreement between such companies, be jointly so used for the purposes of both; but nothing herein shall be so construed as to authorize such union depot and terminal company to acquire any such right of way or depot ground, or the use thereof, otherwise than by agreement with the company owning the same.

Section 4. The fact that there are no adequate provisions of law under which the purposes of this act can be accomplished, and there is a present urgent need therefor, creates an imperative public necessity and emergency justifying a suspension of the constitutional rule requiring bills to be read on three several days, and it is so suspended, and that this act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 6, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 37, being a bill to be entitled "An act to authorize the incorporation of companies for the purpose of constructing union depots, and to authorize railway companies to own stocks and bonds of such depot companies, and to regulate the issuance of bonds by such union depot companies,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

McKINNEY, Chairman.

Committee Room,
Austin, Texas, February 6, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 72, being "An act to prohibit the sale, barter or gift of tobacco, in any of its forms, to persons under the age of sixteen years in certain cases, and to prescribe a penalty for a violation of this act,"

And find the same correctly engrossed.
COLQUITT, Acting Chairman.

Committee Room,
Austin, Texas, Feb. 6, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 79, being "An act to amend section 5, chapter 15, of the acts of the called session of the Twenty-second Legislature of the State of Texas, defining the appellate jurisdiction of the Courts of Civil Appeals,"

And find the same correctly engrossed.
COLQUITT, Acting Chairman.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, Feb. 7, 1895.

Hon. George T. Jester, President of the Senate:

I am instructed by the House to inform the Senate that the House, in compliance with a request of the Senate, hereby returns Senate bill No. 99.

Respectfully,
CHESTER HAILE, City Clerk.

Call concluded.

Senator Simpson moved to recommit Senate bill No. 97, being a bill entitled "An act to create the county of Alamo out of part of Brazoria county, and for its organization," to Committee on Counties and County Boundaries.

Carried.

Senator McKinney moved to recommit Senate bill No. 39, being a bill to be entitled "An act to amend section 6 of an act entitled an act to require railroad companies in the State of Texas to provide separate coaches for white and negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their use, and confer certain powers upon conductors, and to provide penalties for the violation thereof, passed by the Twenty-second Legislature, and approved March, 1891, and amended April 11, 1891, by the addition thereto of section 6a," to Committee on Internal Improvements.

Carried.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 59, being a bill to be entitled "An act to amend article 528, title 15, chapter 7, of the Penal Code of the State of Texas."

With committee substitute.

Committee substitute read and lost.

Senator Steele moved to reconsider the vote by which the committee substitute was lost.

Reconsidered.

Question then being on the adoption of the committee substitute, same was adopted by the following vote:

Yeas—15.

Agnew.	Greer.
Bailey.	Lawhon.
Colquitt.	McKinney.
Crowley.	Shelburne.
Dean.	Steele.
Dibrell.	Tips.
Dickson.	Whitaker.
Goss.	

Nays—10.

Beall.	McComb.
Boren.	Rogers.
Bowser.	Sherrill.
Darwin.	Simpson.
Harrison.	Smith.

Absent, excused.

Woods.

Absent, not excused.

Atlee.	Presler.
Gage.	Stafford.
Lewis.	

By Senator Agnew:

Amend by striking out all of article 528 after the word "fraud" in line 15.

Adopted by the following vote:

Yeas—19.

Agnew.	Lewis.
Beall.	Rogers.
Colquitt.	Sherrill.
Crowley.	Simpson.
Darwin.	Smith.
Dean.	Stafford.
Dibrell.	Steele.
Dickson.	Tips.
Goss.	Whitaker.
Harrison.	

Nays—8.

Bailey.	Lawhon.
Boren.	McComb.
Bowser.	McKinney.
Greer.	Shelburne.

Absent, excused.

Woods.

Absent—not excused.

Atlee.	Presler.
Gage.	

By Senator Beall:

Amend line 14, article 528, by striking out the word "fourteen" and inserting in lieu thereof the word "sixteen."

By Senator Bowser:

Amend the amendment by striking out "16" where it appears and inserting "18" years in lieu thereof.

By Senator Goss:

Substitute the amendment and the amendment to the amendment: Amend by striking out the word "fourteen," in line 14, and insert in lieu thereof the word "thirteen."

Lost by the following vote:

Yeas—6.

Agnew.	Greer.
Bailey.	Shelburne.
Goss.	Simpson.

Nays—21.

Beall.	Lewis.
Boren.	McComb.
Bowser.	McKinney.
Colquitt.	Rogers.
Crowley.	Sherrill.
Darwin.	Smith.
Dean.	Stafford.
Dibrell.	Steele.
Dickson.	Tips.
Harrison.	Whitaker.
Lawhon.	

Absent, excused.

Woods.

Absent, not excused.

Atlee.	Presler.
Gage.	

Senator's Bowser's amendment to the amendment, (Beall's) was then lost by the following vote:

Yeas—10.

Beall.	McComb.
Bowser.	Rogers.
Crowley.	Sherrill.
Darwin.	Smith.
Harrison.	Stafford.

Nays—17.

Agnew.	Lawhon.
Bailey.	Lewis.
Boren.	McKinney.
Colquitt.	Shelburne.
Dean.	Simpson.
Dibrell.	Steele.
Dickson.	Tips.
Goss.	Whitaker.
Greer.	

Absent, excused.

Woods.

Absent, not excused.

Atlee.	Presler.
Gage.	

By Senator Bowser:

Amend the amendment (Beall's), amend by inserting "17" years instead of "16."

By Senator Bailey:

Substitute for the amendment and the amendment to the amendment: Amend by striking out "14" in line 14, and inserting "25."

Lost.

The amendment to the amendment was lost by the following vote:

Yeas—10.

Beall.	Harrison.
Bowser.	Rogers.
Crowley.	Sherrill.
Darwin.	Smith.
Gage.	Stafford.

Nays—18.

Agnew.	Greer.
Atlee.	Lawhon.
Bailey.	McKinney.
Boren.	Lewis.
Colquitt.	Shelburne.
Dean.	Simpson.
Dibrell.	Steele.
Dickson.	Tips.
Goss.	Whitaker.

Absent, excused.

Woods.

Absent, not excused.

McComb.	Presler.
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Senator Beall's amendment was then adopted by the following vote, the president voting in the affirmative:

Yeas—14.

Mr. President.	Harrison.
Beall.	Lawhon.
Boren.	McKinney.
Bowser.	Rogers.
Crowley.	Sherrill.
Darwin.	Smith.
Dickson.	Stafford.
Gage.	

Nays—14.

Agnew.	Greer.
Atlee.	Lewis.
Bailey.	Shelburne.
Colquitt.	Simpson.
Dean.	Steele.
Dibrell.	Tips.
Goss.	Whitaker.

Absent, excused.

Woods.

Absent, not excused.

McComb.	Presler.
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By Senator Simpson:

"Provided, That any woman over the age of sixteen having carnal intercourse with any male under sixteen shall also be deemed guilty of rape."

Senator Rogers moved to table the amendment.

Tabled by the following vote:

Yeas—17.

Agnew.	Dickson.
Atlee.	Gage.
Beall.	Harrison.
Boren.	Rogers.
Bowser.	Sherrill.
Colquitt.	Smith.
Crowley.	Stafford.
Darwin.	Steele.
Dean.	Whitaker.

Nays—9.

Bailey.	Lewis.
Dibrell.	Shelburne.
Goss.	Simpson.
Greer.	Tips.
Lawhon.	

Absent, excused.

Woods.

Absent—not excused.

McComb.	Presler.
McKinney.	

By Senator Simpson:

Amend by striking out the words "or the carnal knowledge of a woman other than the wife of the person having such carnal knowledge with or without the consent," in lines 6, 7, and 8.

Senator Greer moved a call of the Senate on the bill and pending amendment, which was duly seconded and ordered, the following answering to their names:

Agnew.	Greer.
Atlee.	Harrison.
Bailey.	Lawhon.
Beall.	Lewis.
Boren.	McKinney.
Bowser.	Rogers.
Colquitt.	Shelburne.
Crowley.	Sherrill.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Whitaker.

Absent, excused.

Woods.

Absent, not excused.

McComb.

Presler.

Senator Rogers moved to excuse the absentees.

Excused by the following vote:

Yeas—19.

Agnew.	Harrison.
Atlee.	Lawhon.
Beall.	McKinney.
Boren.	Rogers.
Bowser.	Sherrill.
Crowley.	Smith.
Darwin.	Stafford.
Dean.	Steele.
Dickson.	Whitaker.
Gage.	

Nays—9.

Bailey.	Lewis.
Colquitt.	Shelburne.
Dibrell.	Simpson.
Goss.	Tips.
Greer.	

Absent, excused.

Woods.

Absent, not excused.

McComb.

Presler.

Senator Simpson's amendment was then lost by the following vote:

Yeas—8.

Agnew.	Greer.
Bailey.	Shelburne.
Dibrell.	Simpson.
Goss.	Tips.

Nays—18.

Atlee.	Harrison.
Beall.	Lawhon.
Boren.	McComb.
Bowser.	McKinney.
Colquitt.	Rogers.
Crowley.	Sherrill.
Darwin.	Smith.
Dean.	Stafford.
Dickson.	Steele.
Gage.	Whitaker.

Present, not voting

Lewis.

Absent—excused.

Woods.

Absent, not excused.

Presler.

Senator Simpson moved that the Senate stand adjourned until 10 o'clock tomorrow morning.

Adjourned by the following vote:

Yeas—15.

Agnew.	Lewis.
Atlee.	McComb.
Bailey.	Shelburne.
Colquitt.	Simpson.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Lawhon.	

Nays—14.

Beall.	Gage.
Boren.	Harrison.
Bowser.	McKinney.
Crowley.	Rogers.
Darwin.	Sherrill.
Dean.	Smith.
Dickson.	Stafford.

Absent, excused.

Woods.

Absent, not excused.

Presler.

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas, Feb. 8, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Boren.	McKinney.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Sherrill.
Dean.	Simpson.
Dibrell.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Goss.	Tips.
Greer.	Whitaker.

Absent—excused.

Woods.

Absent—not excused.

Crowley.

Presler.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Whitaker, the same was suspended.

On motion of Senator Bailey, Engrossing Clerk Linn was excused for non-attendance on last Monday, on account of important business.